



COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

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Miner Gets Two-Year Jail Term for Taking Smoking Materials into Underground Coal Mine

Board of Coal Mining Examiners hears 32 cases related to substance abuse by certified miners.

Richmond, VA - A Lee County coal miner previously found guilty of possessing smoking materials in an underground coal mine last year was sentenced to two years in the Virginia State Penitentiary on September 20, 2007, in Lee County Circuit Court. Ezra Rogers, age 28, of Ben Hur, VA, was sentenced to five years in prison, but the court suspended three years of the sentence in lieu of three years of supervised probation.

The Department of Mines, Minerals and Energy referred the case to the Lee County Commonwealth Attorney following a joint investigation with the federal Mine Safety and Health Administration. DMME wants miners to know that such violations, including the use of controlled substances or alcohol at Virginia coal mines will be aggressively prosecuted. "Substance abuse has reached near epidemic proportions in our society, and the introduction of such behavior into the mining workplace significantly raises the risk of accidents, injuries and fatalities," said DMME Division of Mines Chief Frank Linkous.

Changes to coal mine safety laws effective July 1, 2007, now require that coal miners take substance abuse tests if a state mine safety inspector has reasonable cause to believe a miner is impaired or that such impairment has contributed to a serious mine-related injury or fatality. Each mine is now required to establish a written substance abuse policy and program. The policy and program, at a minimum, must provide for a pre-employment, 11-panel urine test for all miners. Failure to comply with the requirements will result in the suspension of the miner's certification. Consequently, the miner will no longer be authorized to work in a Virginia coal mine.

Thirty-five cases went before the Board of Coal Mining Examiners in September including two involving smoking materials and 32 related to substance abuse charges. Twenty-two individuals

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lost their certifications because they failed to show up at the hearing; two lost certifications due to smoking material violations; two were reinstated with conditions and are on probation; two are pending agreements/treatment; and seven cases have been continued to October.

“Impaired workers endanger themselves and their coworkers and must be removed from the workplace until they can receive the necessary treatment,” said Linkous. “We’re not in the business of putting people out of work, but we are committed to keeping Virginia’s coal mines a safe place to work. The DMME and the Board will work with individual miners to get them back on the job once they can demonstrate they have been rehabilitated. Otherwise, violations of smoking and substance abuse prohibitions will not be tolerated.”

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